

### § 305.3

which is used as living quarters, unless the part for which inspection is requested is separated from such quarters by floors, walls, and ceilings of solid concrete, brick, wood, or similar material, and the floors, walls, and ceilings are without openings that directly or indirectly communicate with any part of the building used as living quarters.

#### § 305.3 Sanitation and adequate facilities.

Inspection shall not be inaugurated if an establishment is not in a sanitary condition nor unless the establishment agrees to maintain a sanitary condition and provides adequate facilities for conducting such inspection.

#### § 305.4 Inauguration of inspection.

When inspection is granted, the circuit supervisor shall, at or prior to the inauguration of inspection, inform the operator of the establishment of the requirements of the regulations in this subchapter. If the establishment, at the time inspection is inaugurated, contains any product which has not theretofore been inspected, passed, and marked in compliance with the regulations in this subchapter, the identity of the same shall be maintained, and it shall not be distributed in commerce, or otherwise subject to the requirements of such regulations, or dealt with as inspected and passed under the regulations. The establishment shall adopt and enforce all necessary measures and shall comply with all such directions as the circuit supervisor may prescribe, for carrying out the purposes of this section.

#### § 305.6 Reports of violations.

Program employees shall report, in a manner prescribed by the Administrator, all violations of the Act or regulations in this subchapter of which they have information.

## PART 306—ASSIGNMENT AND AUTHORITIES OF PROGRAM EMPLOYEES

Sec.

306.1 Designation of circuit supervisor and assistants.

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306.2 Program employees to have access to establishments.

306.3 Badge as identification of inspectors.

306.4 Assignment of Program employees where members of family employed; soliciting employment; procuring product from official establishments.

306.5 Appeals.

AUTHORITY: 21 U.S.C. 601–695; 7 CFR 2.18, 2.53.

SOURCE: 35 FR 15559, Oct. 3, 1970, unless otherwise noted.

#### § 306.1 Designation of circuit supervisor and assistants.

The Administrator shall designate a circuit supervisor of the inspection in each circuit, and assign to said inspector such assistants as may be necessary.

#### § 306.2 Program employees to have access to establishments.

For the purpose of any examination or inspection necessary to prevent the use in commerce of any adulterated product, Program employees shall have access at all times, by day or night, whether the establishment is operated or not, to every part of any official establishment to which they are assigned. Access to establishments is also authorized in accordance with section 202 of the Act and the regulations in part 320 of this subchapter.

#### § 306.3 Badge as identification of inspectors.

Each inspector will be furnished with a numbered official badge, which he shall not allow to leave his possession, and which he shall wear in such manner and at such times as the Administrator may prescribe. This badge shall be sufficient identification to entitle him to admittance at all regular entrances and to all parts of the establishment and premises to which he is assigned.

#### § 306.4 Assignment of Program employees where members of family employed; soliciting employment; procuring product from official establishments.

(a) Except as specifically authorized by the Administrator, no Program employee shall be detailed for duty at an establishment where any member of his family is employed by the operator

of the establishment, or any tenant or subsidiary of such operator nor shall any circuit supervisor or other employee acting in a supervisory capacity be continued on duty at a circuit where any member of his family is so employed at any establishment under his jurisdiction. Program employees are forbidden to solicit, for any person, employment at any official establishment, or by any officer, manager, or employee thereof.

(b) Program employees shall not procure product from any official establishment or any other establishment if its operations or products are inspected or regulated under the Poultry Products Inspection Act or the Agricultural Marketing Act of 1946, as amended, or any other law administered by the Department unless the store or outlet from which the purchase is made is open to the general public and the price paid by such employee is the same as the price paid by the general public. Program employees must pay, and obtain receipts for money paid to such establishments for all such product and keep such receipts subject to inspection by supervisory employees or other authorized Department employees.

#### § 306.5 Appeals.

Any appeal from a decision of any Program employee shall be made to his/her immediate supervisor having jurisdiction over the subject matter of the appeal, except as otherwise provided in the applicable rules of practice.

[48 FR 11418, Mar. 18, 1983, as amended at 60 FR 67454, Dec. 29, 1995]

### PART 307—FACILITIES FOR INSPECTION

Sec.

- 307.1 Facilities for Program employees.
- 307.2 Other facilities and conditions to be provided by the establishment.
- 307.3 Inspectors to furnish and maintain implements in a sanitary condition.
- 307.4 Schedule of operations.
- 307.5 Overtime and holiday inspection service.
- 307.6 Basis of billing for overtime and holiday services.
- 307.7 Safety requirements for electrical stimulating (EST) equipment.

AUTHORITY: 7 U.S.C. 394, 21 U.S.C. 601–695; 7 CFR 2.17, 2.55.

SOURCE: 35 FR 15560, Oct. 3, 1970, unless otherwise noted.

#### § 307.1 Facilities for Program employees.

Office space, including necessary furnishings, light, heat, and janitor service, shall be provided by official establishments, rent free, for the exclusive use for official purposes of the inspector and other Program employees assigned thereto. The space set aside for this purpose shall meet with approval of the circuit supervisor and shall be conveniently located, properly ventilated and provided with lockers suitable for the protection and storage of Program supplies and with facilities suitable for Program employees to change clothing if such clothes changing facilities are deemed necessary by the circuit supervisor. At the discretion of the Administrator, small plants requiring the services of less than one full time inspector need not furnish facilities for Program employees as prescribed in this section, where adequate facilities exist in a nearby convenient location. Laundry service for inspectors' outer work clothing shall be provided by each establishment.

#### § 307.2 Other facilities and conditions to be provided by the establishment.

When required by the circuit supervisor, the following facilities and conditions, and such others as may be found to be essential to efficient conduct of inspection and maintenance of sanitary conditions, shall be provided by each official establishment:

- (a) Satisfactory pens, equipment, and assistants for conducting ante-mortem inspection and for separating, marking and holding apart from passed livestock those marked "U.S. suspect" and those marked "U.S. condemned" (pens, alleys, and runways shall be paved, drained, and supplied with adequate hose connections for cleanup purposes);
- (b) Sufficient light to be adequate for proper conduct of inspection;
- (c) Racks, receptacles, or other suitable devices for retaining such parts as the head, tongue, tail, thymus gland, and viscera, and all parts and blood to